

# Exhibit 4

10121

At an IAS Part 44 of the Supreme Court of  
the State of New York, held in and for the  
County of New York, at the Courthouse  
located at 60 Centre Street, New York,  
New York, on the 24<sup>th</sup> day of October, 2013

P R E S E N T: HON. MILTON A. TINGLING,  
J.S.C.

-----X  
MADISON PARK INVESTORS LLC and  
E.R. HOLDINGS LLC, both NEW YORK LIMITED  
LIABILITY COMPANIES,

Plaintiffs,

-against-

477 WEST 142<sup>ND</sup> STREET HOUSING  
DEVELOPMENT FUND CORPORATION, NEW YORK  
STATE DEPARTMENT OF TAXATION AND FINANCE,  
NEW YORK CITY DEPARTMENT OF FINANCE,  
ENVIRONMENTAL CONTROL BOARD OF THE CITY  
OF NEW YORK, QUEEN MOTHER DR. DELOIS  
BLAKELY, NEW FUTURE FOUNDATION, INC.  
AND "JOHN DOE #1" THROUGH "JOHN DOE #100"  
INCLUSIVE, THE TRUE NAME OF SAID  
DEFENDANTS BEING UNKNOWN TO THE  
PLAINTIFF, THE PARTIES BEING INTENDED:  
BE THOSE PERSONS HAVING OR CLAIMING AN  
INTEREST IN THE MORTGAGED PROPERTY BY  
VIRTUE OF BEING TENANTS OR OCCUPANTS  
OR JUDGMENT CREDITORS OR LIENORS OF ANY  
TYPE OR NATURE IN ALL OR PART OF SAID  
PREMISES,

Defendants.

INDEX NO.: 600313/09

ORDER GRANTING  
SUMMARY JUDGMENT,  
APPOINTING REFEREE  
TO COMPUTE, AND  
OTHER RELIEF

**FILED**

NOV 21 2013

COUNTY CLERK'S OFFICE  
NEW YORK

-----X  
Upon the motion of plaintiffs Madison Park Investors LLC and E.R. Holdings LLC, by  
and through their co-attorneys, NOVICK, EDELSTEIN, LUBELL, REISMAN, WASSERMAN &  
LEVENTHAL, P.C., for an Order: (i) granting summary judgment pursuant to CPLR 3212 in  
favor of plaintiffs and against defendants for the relief sought in the Complaint; (ii) striking the  
purported Answer of defendant 477 West 142<sup>nd</sup> Street Housing Development Fund Corporation  
and the Answers of defendants Queen Mother Dr. Delois Blakely and Gary James; (iii)

substituting Gary James as a party defendant in place of "John Doe #3," (iv) deleting and dropping "John Doe #1" through "John Doe #100" as party defendants in this action; (v) amending the caption on the Summons and Complaint and the Notice of Pendency to reflect the changes; (vi) granting judgment on default against all of the remaining defendants for the relief sought in the complaint; (vii) granting an Order of Reference to Compute the sums due and owing to plaintiffs and appointing a Referee to Compute; and (viii) granting such other and further relief as this Court deems just and proper; and

Upon the reading and filing of the Affirmation of Regularity of Stephen I. Wohlberg, Esq., dated December 23, 2010, the Affirmation of Non Residential Foreclosure of Stephen I. Wohlberg, Esq., dated December 23, 2010, the Affidavit of Michael Goldberg, sworn to December 23, 2010, the Summons and Complaint and Notice of Pendency filed with the County Clerk on February 3, 2009, together with the annexed Affidavits of Service of the Summons and Complaint and the annexed Notice of Appearance and waivers from all of which it appears that this action was brought to foreclose a mortgage on real property known as 477 West 142<sup>nd</sup> Street a/k/a 1661-1669 Amsterdam Avenue, New York, New York, in the County of New York, City and State of New York, and that the balance of said principal sum secured by said mortgage is now due and payable; and it further appearing that each and all of the Defendants herein have been duly served with the Summons and Complaint within the State of New York, that the time to appear or answer has expired as to each and all of the said Defendants, and that their time to do so has not been extended by stipulation or order, that none of said Defendants appeared except that Defendant Queen Mother Dr. Delois Blakely purported to serve an Answer on behalf of Defendant 477 West 142<sup>nd</sup> Street Housing Development Fund Corporation; Defendant Queen Mother Dr. Delois Blakely has appeared *pro se* and interposed an Answer; Defendant New York

State Department of Taxation and Finance has appeared by its attorney Andrew M. Cuomo, Attorney General of the State of New York, and has waived notice of this application; Defendant Gary James sued herein as "John Doe #3" has appeared *pro se* and interposed an Answer; Defendant New Future Foundation, Inc. has appeared by its attorney Lauren P. Raysor, Esq.; none of the Defendants are an infant, incompetent or absentee; and it further appearing that Notice of Pendency of this Action, containing correctly and truly all of the particulars required by law to be stated in such notice, were duly filed herein as aforesaid; and upon all proceedings heretofore had herein, and upon all the papers filed in this action, and defendants 477 West 142<sup>nd</sup> Street Housing Development Fund Corporation, Queen Mother Dr. Delois Blakely and Gary James having opposed the motion, and a hearing having been held, at which plaintiffs appeared by their attorneys, defendant 477 West 142<sup>nd</sup> Street Housing Development Fund Corporation appeared by its attorney Thomas S. Fleishell, Esq. and Queen Mother Dr. Delois Blakely, Gary James and other individuals appeared *pro se* (and Queen Mother Dr. Delois Blakely initially appeared by her former attorney, Ari Adam Spett, Esq.), and notice having been given to Defendants, and it appearing that no other or further notice is required; and after due deliberation the Court having issued a Decision dated September 4, 2013, granting plaintiffs' motion and directing that an order be settled on notice; and sufficient cause appearing therefor, it is

ORDERED, that the motion by Plaintiffs be, and is hereby granted; and it is further

ORDERED, that the purported Answer of Defendant 477 West 142<sup>nd</sup> Street Housing Development Fund Corporation and the Answers of Defendants Queen Mother Dr. Delois Blakely and Gary James are hereby stricken; and it is further

ORDERED, that the name of Gary James be substituted in the place and stead of John Doe #3; and it is further

ORDERED, that summary judgment is granted in favor of Plaintiffs and against defendants 477 West 142<sup>nd</sup> Street Housing Development Fund Corporation, Queen Mother Dr. Delois Blakely and Gary James; and it is further

ORDERED, that the Plaintiffs have judgment on default for the relief demanded in the Complaint against all other Defendants; and it is further

ORDERED, that Defendants "John Doe #1" through "John Doe #100", inclusive, be and they are hereby dropped as party Defendants to this action, all of the foregoing without prejudice to any of the proceedings heretofore had herein or to be had herein; and it is further

ORDERED, that the caption of this action be and the same hereby is amended so that the names of said Defendants shall hereinafter be deleted therefrom; and it is further

ORDERED, that the caption in the above-entitled action and the Notice of Pendency filed herein be and is hereby amended nunc pro tunc to now read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
MADISON PARK INVESTORS LLC and  
E.R. HOLDINGS LLC, both NEW YORK LIMITED  
LIABILITY COMPANIES,

Plaintiff,

-against-

477 WEST 142<sup>nd</sup> STREET HOUSING  
DEVELOPMENT FUND CORPORATION, NEW  
YORK STATE DEPARTMENT OF TAXATION  
AND FINANCE, NEW YORK CITY DEPARTMENT  
OF FINANCE, CONTROL BOARD OF THE CITY  
OF NEW YORK, QUEEN MOTHER DR. DELOIS  
BLAKELY, NEW FUTURE FOUNDATION, INC.,  
and GARY JAMES,

Defendants.

-----X

and it is further

ORDERED, that C. Sidney Lester, with an office at

225 Broadway NY NY, telephone number 212 803 5113 is

*mqk*  
*J.S.C.*  
*Judge Milton A. Tingling*  
hereby appointed as Referee to ascertain and compute the amount due to the Plaintiffs for principal and interest or otherwise, upon the mortgage to foreclose which this action is brought, to take proof of the facts and circumstances stated in the Complaint and to examine the Plaintiffs, or in lieu thereof, to accept affidavits and documentary evidence of its agents on oath as to any payments which may have been made, and to examine and report whether the mortgaged premises should be sold in one parcel, and that the Referee make his/her report with all convenience speed and that on the signing of the Referee's Report and the confirmation thereof, and a further Affidavit of Regularity, without further notice, Plaintiffs have final judgment of foreclosure and sale, and for costs and allowances allowed by law.

**FILED**

NOV 21 2013

COUNTY CLERK'S OFFICE  
NEW YORK

ENTER:

*mqk*

J.S.C.

Judge Milton A. Tingling

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